

**Introduced by Senator Yee**

January 12, 2010

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An act to add Article 3 (commencing with Section 115810) to Chapter 4 of Part 10 of Division 104 of the Health and Safety Code, relating to public safety.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 880, as introduced, Yee. Public safety: snow sport helmets.

Existing law requires a person under 18 years of age to wear a properly fitted and fastened bicycle helmet while operating a bicycle or riding upon a bicycle as a passenger upon the streets or any other public bicycle path.

This bill would require a person under 18 years of age to wear a properly fitted and fastened snow sport helmet while operating snow skis or a snowboard, or while riding upon a seat or other device that is attached to the snow skis or a snowboard. The bill would provide for fines to be imposed for violations of this prohibition. The bill would, however, require that the charge against a person be dismissed if it is the first charge against that person for a violation of this prohibition.

The bill would also require any snow sport safety helmet sold or offered for sale to be conspicuously labeled in accordance with the specified standards and would prohibit the sale or offer for sale of any snow sport safety helmet which is not of a type meeting the safety standards. Because this bill would create a new crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Article 3 (commencing with Section 115810) is  
2 added to Chapter 4 of Part 10 of Division 104 of the Health and  
3 Safety Code, to read:

4  
5 Article 3. Snow Sports  
6

7 115810. (a) A person under 18 years of age shall not operate  
8 snow skies or a snowboard unless that person is wearing a properly  
9 fitted and fastened snow sport helmet that meets the standards of  
10 either the Central European Norm CE1077, the ASTM International  
11 F 2040, or the Snell Memorial Foundation RS-98, or the United  
12 States Consumer Product Safety Commission (CPSC), or standards  
13 subsequently established by those entities. This requirement also  
14 applies to a person who rides upon a seat or any other device that  
15 is attached to the snow skies or snowboard.

16 (b) Any snow sport helmet sold or offered for sale for use by  
17 operators of snow skies or a snowboard shall be conspicuously  
18 labeled in accordance with the standard described in subdivision  
19 (a) which shall constitute the manufacturer's certification that the  
20 helmet conforms to the applicable safety standards.

21 (c) No person shall sell, or offer for sale, for use by an operator  
22 of snow skies or a snowboard any safety helmet which is not of a  
23 type meeting requirements established by this section.

24 (d) Any charge under this section shall be dismissed when the  
25 person charged alleges in court, under oath, that the charge against  
26 the person is the first charge against that person under this  
27 subdivision, unless it is otherwise established in court that the  
28 charge is not the first charge against the person.

29 (e) (1) Except as provided in subdivision (d), a violation of this  
30 section is an infraction punishable by a fine of not more than  
31 twenty-five dollars (\$25).

32 (2) The parent or legal guardian having control or custody of  
33 an unemancipated minor whose conduct violates this section shall

1 be jointly and severally liable with the minor for the amount of  
2 the fine imposed pursuant to this subdivision.

3 SEC. 2. No reimbursement is required by this act pursuant to  
4 Section 6 of Article XIII B of the California Constitution because  
5 the only costs that may be incurred by a local agency or school  
6 district will be incurred because this act creates a new crime or  
7 infraction, eliminates a crime or infraction, or changes the penalty  
8 for a crime or infraction, within the meaning of Section 17556 of  
9 the Government Code, or changes the definition of a crime within  
10 the meaning of Section 6 of Article XIII B of the California  
11 Constitution.